

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KILTER INDUSTRIES, INC.,

Plaintiff,

-v-

AVON PRODUCTS, INC. and PETER
WAXMAN,

Defendants.

USDS SDNY
DOCUMENT
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No. 09 Civ. 3490 (RJS)
ORDER

RICHARD J. SULLIVAN, District Judge:

The Court held a pre-motion conference in the above-captioned case on December 11, 2009.

For the reasons stated on the record, Plaintiff's unopposed request for permission to file an amended complaint is hereby granted. Plaintiff shall file its amended complaint by December 15, 2009. Furthermore, briefing on Defendants' contemplated motion to dismiss the amended complaint shall take place on the following schedule:

By January 8, 2010, Defendants shall file their motion to dismiss and supporting papers.

By January 29, 2010, Plaintiff shall file its opposition papers.

By February 9, 2010, Defendants shall file their reply brief, if any.

The parties have also jointly requested a forty-five-day extension of the deadlines set forth in the Amended Case Management Plan and Scheduling Order. That request is granted, the deadlines and conferences set forth in the November 20, 2009 Scheduling Order are adjourned, and the following schedule is hereby adopted:

All fact discovery is to be completed no later than April 8, 2010.

Depositions are to be completed by April 1, 2010.

Requests to Admit are to be served no later than March 5, 2010.

Disclosures by all experts are to be completed by June 21, 2010.

All discovery is to be completed no later than July 1, 2010.

Pre-motion letters to be submitted by July 9, 2010.

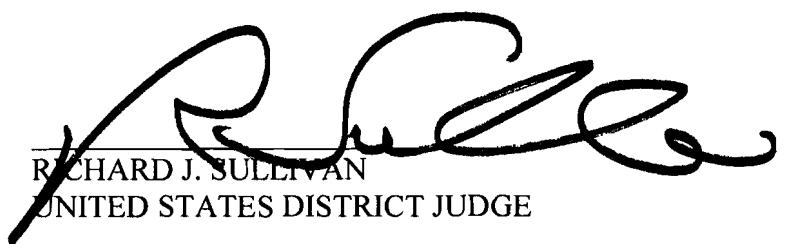
Pre-motion-letter responses to be submitted by July 14, 2010.

A post-discovery status conference is scheduled for July 22, 2010 at 9:15 a.m.

In light of the foregoing, Defendant's previously filed motion to dismiss the complaint is hereby denied as moot, and the clerk of the court is respectfully directed to terminate the motion that appears at Document Number 12.

SO ORDERED.

Dated: December 11, 2009
New York, New York



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE